



Agenda Item # 3

BOA-003654-2026

View additional details on this proposal and all application materials using the following link:

[Applicant Materials for Consideration](#)

DETAILS

Location:

4411 Government Boulevard

Applicant / Agent:

PCDA Architecture

Property Owners:

Local Union 119

Current Zoning:

B-3, Community Business Suburban District

Future Land Use:

Neighborhood Center - Suburban

Case Number(s):

6743

Unified Development Code (UDC) Requirement:

- The UDC requires a compliant residential buffer where a B-3 Community Business Suburban District abuts an R-1, Single Family Residential Suburban District.

Board Consideration:

- Residential Buffer Variance to allow no residential buffer where a B-3 Community Business Suburban District abuts an R-1, Single Family Residential Suburban District.


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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential and commercial units.

APPLICATION NUMBER <u>6743</u> DATE <u>April 6, 2026</u>	 NTS
APPLICANT <u>PCDA Architecture</u>	
REQUEST <u>Residential Buffer Variance</u>	

SITE HISTORY

The site was originally the subject of Subdivision and Rezoning approvals by the Planning Commission in August 2014 to create one (1) lot of record, and to rezone the property from R-1, Single-Family Residential District, to B-3, Community Business District. The plat was recorded in the Mobile County Probate Court in September 2014, and the City Council adopted the rezoning in October 2014.

Two (2) of the conditions of rezoning approval adopted by the City Council were 1) full compliance with site design and signage regulations of the Zoning Ordinance, and 2) full compliance with all municipal codes and ordinances.

There are no other Planning Commission or any Board of Zoning Adjustment cases associated with the site.

STAFF COMMENTS

Engineering Comments:

No comments.

Traffic Engineering Comments:

No comments.

Urban Forestry Comments:

Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.

Fire Department Comments:

All projects located within the City Limits of Mobile shall comply with the provisions of the City of Mobile Fire Code Ordinance, which adopts the 2021 edition of the *International Fire Code (IFC)*.

Fire apparatus access roads shall be provided to within 150 feet of all non-sprinklered commercial buildings and within 300 feet of all sprinklered commercial buildings, as measured along an approved route around the exterior of the facility.

An approved fire water supply capable of meeting the requirements set forth in *Appendices B and C* of the 2021 IFC shall be provided for all commercial buildings.

Fire hydrant placement shall comply with the following minimum standards:

- Within 400 feet of non-sprinklered commercial buildings
- Within 600 feet of sprinklered commercial buildings
- Within 100 feet of fire department connections (FDCs) serving standpipe or sprinkler systems

Although the *International Residential Code (IRC)* functions as a stand-alone document for the construction of one- and two-family dwellings and townhouses, it does not govern the design or layout of emergency access or community-level fire protection infrastructure. Therefore, residential developments must also comply with the applicable requirements of the *International Fire Code*, including, but not limited to, those listed above concerning the design, construction, regulation, and maintenance of fire apparatus access roads and fire protection water supplies.

Planning Comments:

The applicant requests a variance from Article 3, Section 64-3-8 of the Unified Development Code (UDC), which requires the provision of a Residential Protection Buffer where property zoned B-3 (Community Business District) adjoins residentially zoned or utilized property. This buffer must consist of a six-foot-tall wall or fence and a ten-foot-wide vegetative buffer, with plantings reaching a minimum height of six (6) feet. The subject property's northern boundary adjoins a parcel zoned R-1 (Single-Family Residential Suburban District), thereby triggering the buffer requirement.

Permits were issued in 2024 for development of a 30,000± square-foot training facility. At that time, compliance with all applicable site design standards, including the required buffer, was expected. However, a final zoning inspection conducted in January 2026 confirmed that the buffer had not been installed. As a result, a Temporary Certificate of Occupancy was issued, with the issuance of a Final Certificate of Occupancy contingent upon either installation of the required buffer or approval of the requested variance.

In support of the variance request, the applicant contends that the buffer should not be required because the adjacent residential property is situated between commercially zoned B-3 properties and may transition to commercial use in the future. The applicant also references the site's Future Land Use Map (FLUM) designation as commercial. However, this justification is speculative and does not establish a hardship sufficient to warrant a variance. Staff cannot rely on the potential rezoning or future use of adjacent property beyond what is currently permitted.

The subject area is designated as Neighborhood Center – Suburban (NCS) on the FLUM, which supports a mix of commercial, office, and residential uses. Residential development remains both compatible and encouraged within this designation, and the adjacent property's current R-1 zoning is consistent with the FLUM. Therefore, its continued residential use is reasonable and foreseeable.

The applicant has not demonstrated that the subject property possesses unique physical characteristics that would prevent compliance with the buffer requirements. A 35-foot-wide drainage easement is indicated along the north property line; however, based on the information provided, there is no clear evidence that this easement would preclude installation of the required fence or vegetative buffer.

Additionally, the site plan submitted with both the variance request and the original permitting documents depicts a six-foot-tall wooden privacy fence along the east property line where the site adjoins residentially zoned property, demonstrating that compliance with buffering standards is feasible under similar conditions. While staff defers to the Engineering Department regarding any specific constraints associated with the drainage easement, no apparent site condition has been identified that would render compliance impracticable.

Furthermore, the request seeks full relief from the buffer requirement rather than the minimum relief necessary to address a demonstrated hardship. The purpose of the Residential Protection Buffer is to mitigate potential impacts between commercial and residential uses and to provide a consistent transition between zoning districts. Granting a variance based on the possibility of future commercial rezoning would undermine this intent and could create adverse impacts for the adjacent property if it remains or is developed for residential use.

Finally, the request appears inconsistent with the requirements of the underlying zoning district, which mandates compliance with applicable site design standards unless modified through an approved rezoning by the Planning Commission and City Council. No such rezoning has been approved for the subject property.

Based on the preceding, the applicant has not demonstrated a unique hardship associated with the subject property, and the justification provided relies on speculative future conditions rather than existing site constraints. Approval of the variance would reduce buffering between the subject site and the adjacent residential property, whereas denial would maintain consistency with the intent of the UDC and its provisions for compatibility between differing land uses.

VARIANCE CONSIDERATIONS

Standards of Review:

Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

Article 5 Section 10-E. 1. of the Unified Development Codes states that the Board of Adjustment may grant a variance if:

- The Applicant demonstrates that the variance shall not be contrary to the public interest;
- Where, owing to special conditions a literal enforcement of the provision of this Chapter will result in unnecessary hardship; and
- The spirit of this Chapter will be observed and substantial justice done.

Article 5 Section 10-E.2. states no variance shall be granted:

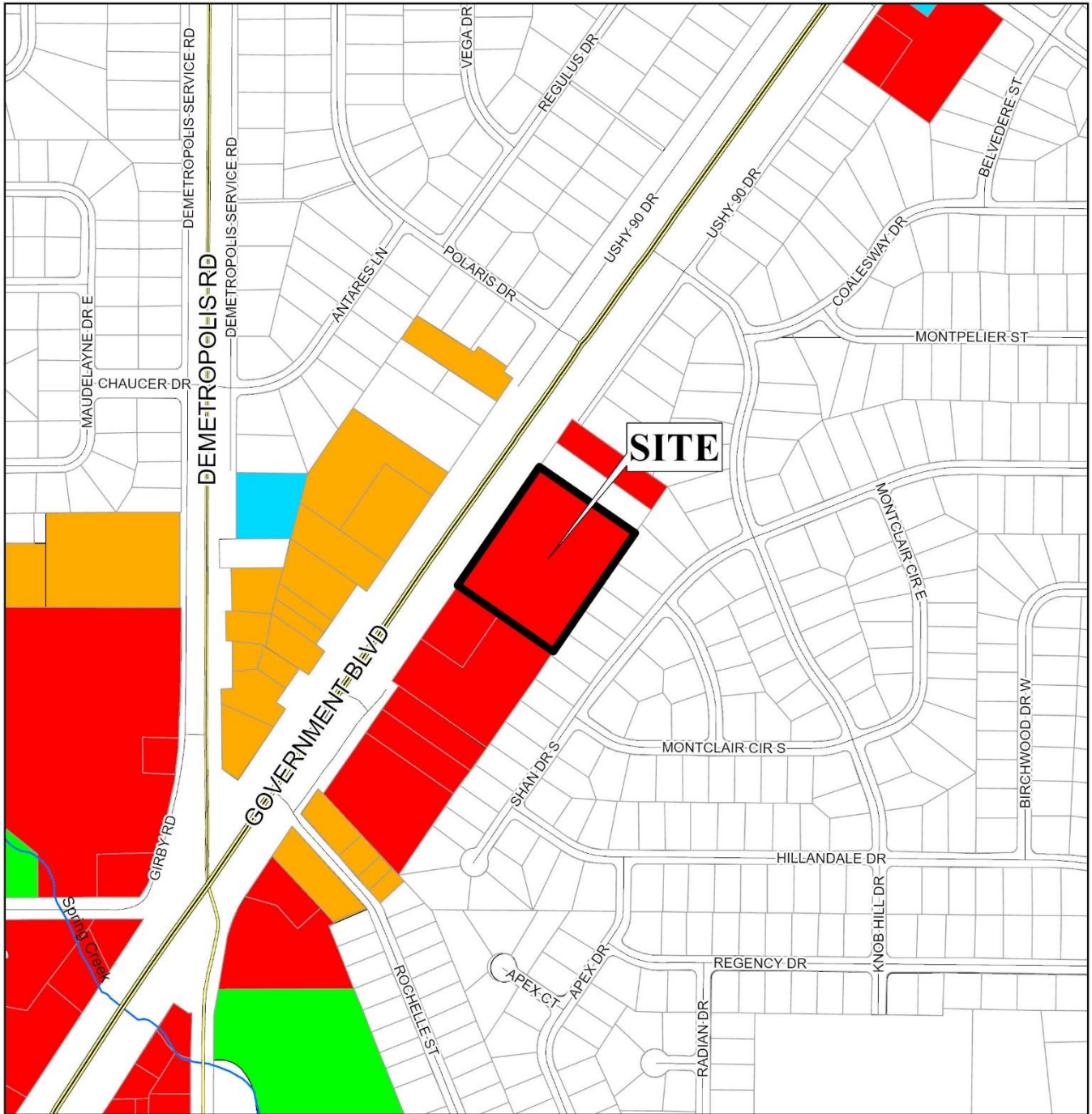
- (a) In order to relieve an owner of restrictive covenants that are recorded in Mobile County Probate Court and applicable to the property;
- (b) Where economic loss is the sole basis for the required variance; or
- (c) Where the variance is otherwise unlawful.

Considerations:

Based on the requested Variance application and documentation submitted, if the Board considers approval of the request, the following findings of fact must be presented:

- A) The variance **will not** be contrary to the public interest;
- B) Special conditions exist such that a literal enforcement of the provisions of the chapter **will** result in unnecessary hardship; and
- C) The spirit of the chapter **shall** be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance.

LOCATOR ZONING MAP

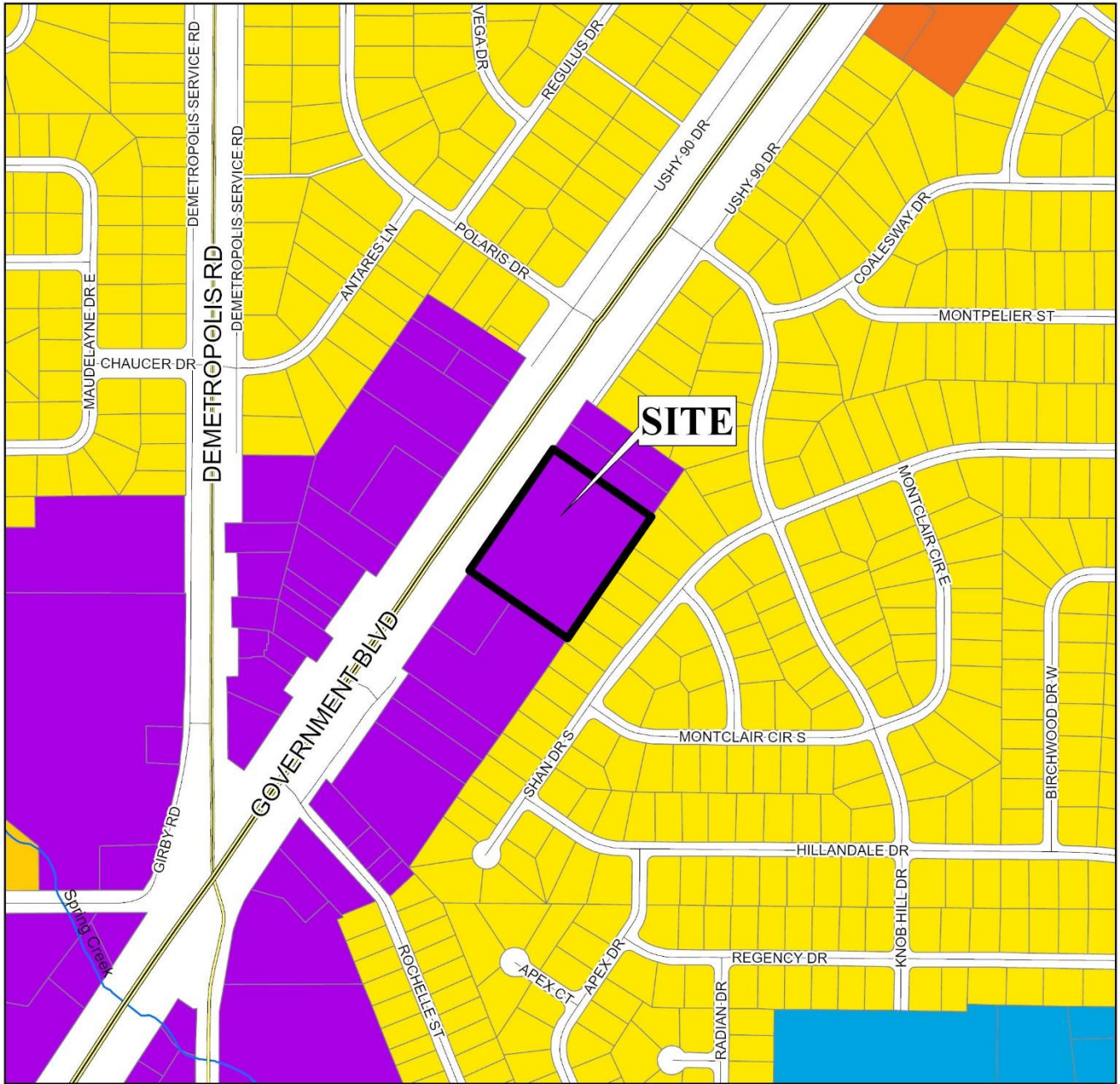


APPLICATION NUMBER	6743	DATE	April 6, 2026
APPLICANT	PCDA Architecture		
REQUEST	Residential Buffer Variance		

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NTS

FLUM LOCATOR MAP



APPLICATION NUMBER 6743 DATE April 6, 2026

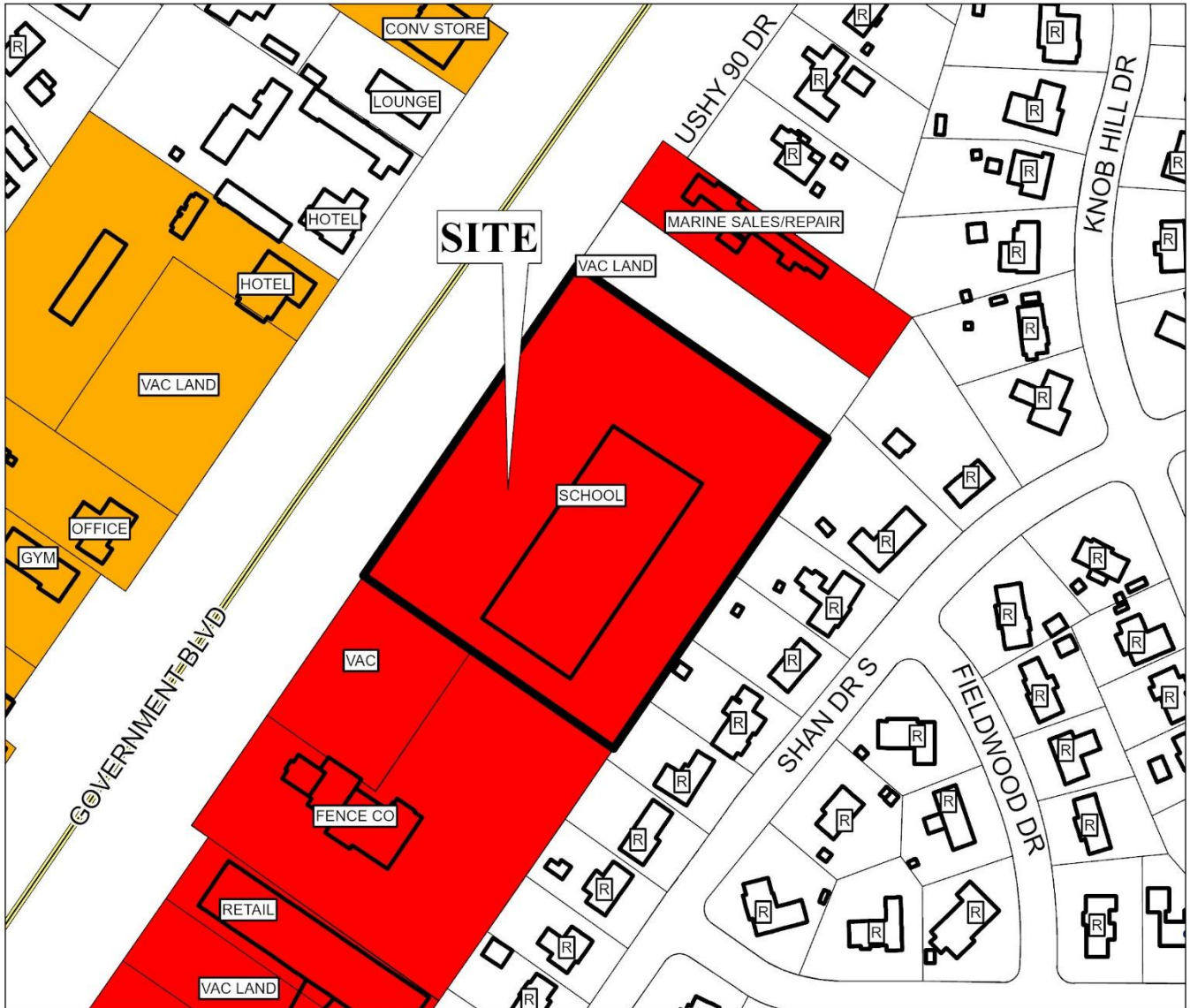
APPLICANT PCDA Architecture

REQUEST Residential Buffer Variance

- | | | | |
|---|--|---|--|
| ■ Low Density Residential | ■ Neighborhood Center - Traditional | ■ Light Industry | ■ Water Dependent |
| ■ Mixed Density Residential | ■ Neighborhood Center - Suburban | ■ Heavy Industry | ■ Institutional |
| ■ Downtown | ■ Traditional Corridor | ■ Institutional | ■ Parks, Open Space |
| ■ District Center | ■ Mixed Commercial Corridor | | |



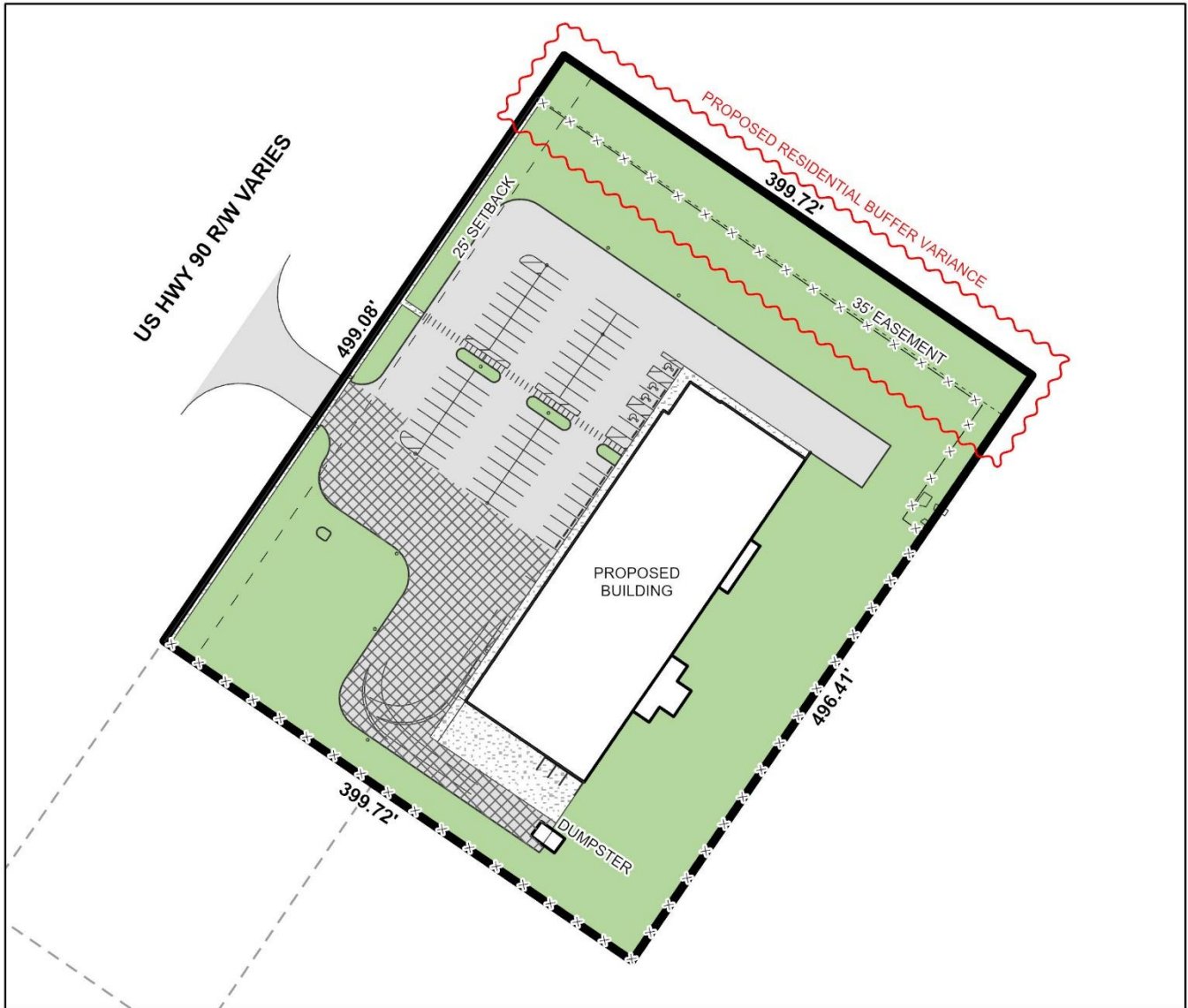
BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential and commercial units.

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<table style="width: 100%; font-size: small;"> <tr> <td> R-A</td> <td> R-3</td> <td> B-1</td> <td> B-2</td> <td> B-5</td> <td> ML</td> <td> I-2</td> <td> OPEN</td> <td> T-3</td> <td> T-5.2</td> </tr> <tr> <td> R-1</td> <td> R-B</td> <td> T-B</td> <td> B-3</td> <td> CW</td> <td> MH</td> <td> PD</td> <td> SD</td> <td> T-4</td> <td> T-6</td> </tr> <tr> <td> R-2</td> <td> H-B</td> <td> LB-2</td> <td> B-4</td> <td> MM</td> <td> I-1</td> <td> MUN</td> <td> SD-WH</td> <td> T-5.1</td> <td></td> </tr> </table>		 R-A	 R-3	 B-1	 B-2	 B-5	 ML	 I-2	 OPEN	 T-3	 T-5.2	 R-1	 R-B	 T-B	 B-3	 CW	 MH	 PD	 SD	 T-4	 T-6	 R-2	 H-B	 LB-2	 B-4	 MM	 I-1	 MUN	 SD-WH	 T-5.1	
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 R-2	 H-B	 LB-2	 B-4	 MM	 I-1	 MUN	 SD-WH	 T-5.1																							

SITE PLAN



The site plan illustrates the building placements, setbacks, easements and parking.

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FUTURE LAND USE MAP CORRESPONDENCE TO ZONING

A primary purpose of the Future Land Use Map is to guide zoning decisions. In many cases the designation on the FLUM may match the existing use of land, but in others the designated land use may differ from what is on the ground today. For example, a parcel that is in commercial use today but designated as any of the “mixed use” types on the map could redevelop with a mix of residential and commercial uses (such as retail, office, entertainment, etc., depending on the location).

Each future land use designation on the FLUM will have at least one corresponding zoning district, allowing a more precise application of the FLUM based on specific local conditions. In most cases, there are multiple combinations or types of zoning techniques that can accomplish the future land use designation's objectives.

The correspondence between the FLUM and the zoning district structure is described in the matrix below. This tool gives the City the flexibility over the long-term to determine appropriate changes to the zoning map based on various factors.

The designation of an area with a FLUM land use category does not mean that the most intense zoning district consistent with that category is “automatically” assigned to a property. Instead, an area retains its existing zoning category until it is changed through a landowner-initiated rezoning application, or a rezoning that follows an area plan. This is because the FLUM is a long-term designation, while a change in zoning considers current conditions – such as market demands, availability of infrastructure, or impacts on the immediate neighborhood.

Zoning correspondence matrix

	RESIDENTIAL - AG (R-A)	ONE-FAMILY RESIDENCE (R-1)	TWO-FAMILY RESIDENCE (R-2)	MULTIPLE-FAMILY (R-3)	RESIDENTIAL BUSINESS (R-B)	HISTORIC BUSINESS (H-B)	BUFFER BUSINESS (B-1)	TRANSITIONAL BUSINESS (T-B)	LIMITED BUSINESS (LB-2)	NEIGHBORHOOD BUSINESS (B-2)	COMMUNITY BUSINESS (B-3)	GENERAL BUSINESS (B-4)	OFFICE-DISTRIBUTION (B-5)	COMMERCIAL WAREHOUSE (CW)	MARITIME MIXED (MM)	MARITIME LIGHT (ML)	MARITIME HEAVY (MH)	LIGHT INDUSTRY (I-1)	HEAVY INDUSTRY (I-2)	VILLAGE CENTER (TCD)	NEIGHBORHOOD CENTER (TCD)	NEIGHBORHOOD GENERAL (TCD)	DOWNTOWN DEV. DDD (T-6)	DOWNTOWN DEV. DDD (T-5.1)	DOWNTOWN DEV. DDD (T-5.2)	DOWNTOWN DEV. DDD (T-4)	DOWNTOWN DEV. DDD (T-3)	DOWNTOWN DEV. DD (SD-WH)	DOWNTOWN DEV. DD (SD)		
LOW DENSITY RESIDENTIAL (LDR)	■	S	S	S			○								○															○	
MIXED DENSITY RESIDENTIAL (MDR)		U	U	■	■			■	■						■															○	
DOWNTOWN (DT)						■						■											■	■	■	■	■	○	○		
DISTRICT CENTER (DC)								■			U	○	○																		
NEIGHBORHOOD CENTER - TRADITIONAL (NC-T)	■	■	U	■	■	○		■	○	○	○										■	■	■								
NEIGHBORHOOD CENTER - SUBURBAN (NC-S)			S			S		■	S	S	○										■	■								○	
TRADITIONAL CORRIDOR (TC)		■	■	■	■	U		■	U	U	○																			○	
MIXED COMMERCIAL CORRIDOR (MCC)						■		■	■	■	■	■	■	■	■																
LIGHT INDUSTRIAL (LI)													■	■	■	■														○	○
HEAVY INDUSTRY (HI)																■	■	■	■											○	○
INSTITUTIONAL LAND USE (INS)											■	■		○	○																
PARKS & OPEN SPACE (POS)	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	
WATER DEPENDENT USES (WDWRU)	■					○									■	■	■		○												

- Zoning district is appropriate to implement the future land use category.
- US Zoning district with Urban or Suburban subdistrict is appropriate to implement the future land use category.
- Elements of the zoning district are related to the future land use category and may be appropriate with qualifications or conditions.
- Zoning district is appropriate, but the district does not directly implement the category (e.g., open space in an industrial district)

NEIGHBORHOOD CENTERS (NC)

Neighborhood Center applies to smaller hubs of mixed commercial, community, and recreational activity that cater to adjacent residential areas. Many of these centers exist today in some form. The following principles apply not just to the future development of new centers, but also to the redevelopment of existing centers. These principles are common to all neighborhood centers, but the appropriate design varies depending on whether a center is in a more “traditional” or more “suburban” context.

- › Support a limited amount of commercial employment
- › Incorporate some residential use, compatible in character with that of surrounding residential development, providing appropriate transitions in height, massing and other buffering from one land use district to the next.
- › The retail and housing uses should merge around vibrant, compact, accessible nodes, located at key neighborhood intersections or along short road segments. Form vibrant, compact, accessible nodes, located at key neighborhood intersections or along short road segments.
- › Be connected to the surrounding neighborhood and nearby public uses (e.g., schools, parks, etc.) via well-designed sidewalks and complete streets.

Land use mix

Primary Uses

- › Commercial
- › Office
- › Residential, Multifamily

Secondary Uses

- › Residential, Attached
- › Civic
- › Parks

Housing mix

- › Various types ranging in density from 10 to 30 du/ac;
- › Residential units above ground-floor retail
- › Multifamily buildings (small scale)
- › Attached residential such as duplexes, multiplexes, and townhomes
- › Accessory and live-work units



NC TRADITIONAL (NCT)

These tend to be in areas connected to MxDR neighborhoods. They primarily occur east of I-65.

Development Intent

- › Buildings should orient to the street, with on-site parking typically pushed to the back of the site.
- › Design qualities of the public realm are emphasized, including the provision of continuous sidewalks, tree canopy, pedestrian amenities, on-street parking and bicycle facilities where appropriate.



NC SUBURBAN (NCS)

These generally are located among the LDR neighborhoods west of the I-65. Where they exist, these centers currently have a more pronounced vehicular orientation.

Development Intent

- › Support increase in mix and density of uses (e.g., infill of outparcels, addition of housing, etc.).
- › Retrofit to improve internal walkability (e.g., through the addition of sidewalks, tree canopy, protection from the elements) and external connectivity to the surrounding areas (via sidewalks, paths and trails, street crossings, transit stops, etc.)

